

City of Reading Charter Board

February 4, 2014 – 7:00 pm

Penn Room

Members Present: Susan Gibson, Jerry Richter, Elizabeth Stanley, James Fegley, Thomas Anewalt

Board Solicitor: Eric Smith, Esq

Members of the Public: Don Spatz, Reading Eagle

I. Administration

- The Chair acknowledged that the regularly scheduled meeting of January 21, 2014 was cancelled due to inclement weather. The Board's next meeting will be February 18, 2014 at 7:00 pm.
- Meeting minutes for 11/19/13 and 1/7/14 were distributed and reviewed. A motion was made by Mr. Fegley, 2nd by Mr. Richter to adopt the minutes as drafted. The motion passed by unanimous verbal vote.
- The Chair acknowledged the response to Right to Know request REQ-4 dated January 7, 2014 from Mr. Don Spatz. There are no new Right to Know requests.
- The 2013 Charter Board budget and January invoices were reviewed. Year to date total spent for calendar year 2013 is \$224,387.26. February invoices will be forwarded for review when received.

II. Education

- The Board has been invited by the League of Women voters to present an annual update to the public via live broadcast on BCTV. The program scheduled for Tuesday, January 21, 2014 from 8:00 pm – 9:00 pm was cancelled due to weather. The program is re-scheduled for February 18, 2014.

III. Advisory

- On November 21, 2013 a request for Advisory Opinion was received from the City Clerk concerning Charter Sections 304 and 305. The request concerns filling a vacancy in the offices of the Mayor and City Auditor as it relates to timing of the filling of the vacancy, the necessary vote, and qualifications of the appointed person. The Opinion was labeled as Advisory Opinion #35 and is due by extension on or before February 5, 2014.

- On January 8, 2014 a request for Advisory Opinion was received from Mr. Ernest Schlegel concerning Charter Section 213. The request concerns 1) whether City Council may limit speakers on agenda items to 5 minutes and to non-agenda items to 3 minutes and 2) whether City Council may require non-agenda item speakers to speak after the close of business but before adjournment of Council. The Opinion was labeled as Advisory Opinion #36 and is due by February 7, 2014.

IV. **Enforcement**

- The Chair announced an Executive Session to confer with counsel regarding pending litigation including the appeal of the Final Opinion and Order of Investigation #32, the Declaratory Judgment Action and Appeal of the Final Opinion and Order of Investigation #34 (Docket #1320083), Advisory Opinion #35, Advisory Opinion #36, and procedural matters regarding Investigations #39 and #41. The Board entered Executive Session 7:20 pm and exited Executive Session at 8:55 pm.
- After returning to public session, an invitation for public comment was extended, no comment was offered.
- A motion was then made by Mr. Fegley, 2nd by Ms. Stanley to adopt and issued Advisory Opinion #35 as drafted. The motion passed by unanimous verbal vote.
- Secondly a motion was made by Ms. Stanley, 2nd by Mr. Richter to decline answering Advisory Opinion request #36, finding the matters moot and non-advisory in nature. The motion passed by unanimous verbal vote. The Board notes that the matters raised by Mr. Schlegel's request will be addressed within the Final Opinion and Order for Investigation #39.
- Finally, a motion was made by Mr. Richter, 2nd by Ms. Stanley to adopt the Stipulated Administrative Settlement of Investigation #39 per the Evidentiary Hearing of January 7, 2014. The motion passed by verbal vote of four members, Mr. Anewalt abstained.

V. **Closing**

- Meeting adjourned at 9: 10 pm.

Respectfully Submitted

Susan Gibson, Chair, City of Reading Charter Board